IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 19018 of 1997

Between:

1 M/s Bhavani Waddera Labour Contract Co-op Society Ltd.,
rep.by its President, Y.Shankaraiah, Chandra Mouli Nagar,
Nellore district
2 M/S. Sri Raja Rajeshwari Waddera Labour Contract Co-operative
society ltd, rep.by.its president Y.Venkataiah
Potupalem, Gudur mandal Nellore district
3 M/s.Sri Shiva Shankara Waddera Labour Contract Co-0p. Sopciety Ltd.,

rep. by President U.Ramanaiah, R/o Yerraballi, Kaluvai Mandal,

Nellore dist.
4 M/s Sri Lakshmi Waddera Labour Contract Co-op. Society, rep. by its

President T.Anand Rao, Kopthaur Village, Nellore dist.
5 M/s Murali Krishna Waddera Labour Contract Co-op Society, rep. by its

resident B. Sreenivasulu, Kothaur Village, Nellore dist.
6 M/S Jagadevipeta Waddera Labour Contract Co-Op Society, rep. by its

President B. Penchal Narayana, Jagdevapeta, Indukurpet, Nellore Dist.
7 M/S Sri Venkataramana Lakshmi Ganesh Waddera Labour Contract
Waddipalem, Venkatachalam Mandal, Nellore Dist,
rep. by T. Penchalaiah.
8 M/S Sri Srinivasa Waddera Labour Contract Co-Op Society, rep. by its

President A. Venkatanarasaiah, Cheepinapi Village, Kalvai Mandal,

Nellore Dist.
9 G Venkataiah, Contractor, Kulloor village, Kaluvai, Nellore Dist.

..... PETITIONERS

AND

1 Superitending Engineer, Irrigation Circle, Nellore.
2 Superitending Engineer, Somasila Project, Nellore.
3 Superitending Engineer Telugu Ganga Project, Nellore.
4 Superitending Engineer Telugu Ganga Project, Sri Kalahasti, Nellore.
5 Superitending Engineer Panchayat Raj Circle, Nellore.
6 Superitending Engineer, R & B Circle, Nellore.
7 Superitending Engineer, R & B (N.H.) Nellore.
8 Superitending Engineer Public Health, Nellore.
9 Executive Engineer Panchayat Raj, Kavali, Nellore Dist.
10 Executive Engineer Panchayat Raj, Gudur, Nellore Dist.
11 Executive Engineer Panchayat Circle, Nellore.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ of Mandamus declaring the action of the respondents insisting the petitioner societies for payment of earnest money deposit commercial tax clearance certificate or imposing any condition or experience in connection with all tender notices issued on or after 1/7/97 arbitrary, illegal and unreasonable and consequently direct the respondent not to insist payment on earnest money deposit, commercial tax clearance certificate from the petitioners at the time of allotment of works issued on or after 1/7/97 issue schedules to the petitioners in such all tender notices irrespective of conditions or experience disregarding dist. in which ever they register.

Counsel for the Petitioner: Mr.KUNA REDDY ANJI REDDY (Not present)

Counsel for the Respondents 6 and 7: G.P. FOR ROADS & BUILDINGS

Counsel for the respondents 1 to 5 and 8 to 11: GP for Panchayat Raj.

The Court made the following:

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ORDER:

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In the present writ petition, the petitioners are questioning, the action of the respondents in insisting payment of Earnest Money Deposit, Commercial Tax Clearance Certificate for tender notices issued on or after 1-7-1997.

This Court while admitting the writ petition by order dated 12-8-1997 granted interim direction to the respondents to issue tender schedules to the petitioners without insisting on Commercial Tax Clearance Certificate, Earnest Money Deposit and experience certificate.

Learned counsel for petitioner called absent. Learned Government Pleader for Panchayat Raj, submitted that the cause in the writ petition does not survive and it has become infructuous.

Accordingly, the writ petition is dismissed as infructuous. No costs.

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N.V.RAMANA,J

18-3-2005

TVK

To

1 Superintending Engineer, Irrigation Circle, Nellore.
2 Superintending Engineer, Somasila Project, Nellore.
3 Superintending Engineer Telugu Ganga Project, Nellore.
4 Superintending Engineer Telugu Ganga Project, Sri Kalahasti, Nellore.
5 Superintending Engineer Panchayat Raj Circle, Nellore.
6 Superintending Engineer, R & B, Nellore.
7 Superintending Engineer, R&B (N.H.) Nellore.
8 Superintending Engineer Public Health, Nellore.

9 Executive Engineer Panchayat Raj, Kavali, Nellore Dist.
10 Executive Engineer Panchayat Raj, Gudur, Nellore Dist.
11 Executive Engineer Panchayat Circle, Nellore.

12 Two CCs to the G.P. for Roads & Buildings, High Court Buildings, Hyderabad (OUT).

13 Two CD copies.

14. Two C.Cs. to G.P. for Panchayat Raj, High Court Buildings, Hyderabad. (OUT)